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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose GONZALEZ-Ruiz,** Defendant	Magistrate Docket No. '08 MJ 0558 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 22, 2008** within the Southern District of California, defendant, **Jose GONZALEZ- Ruiz** , an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **FEBRUARY 2008.**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose GONZALEZ-Ruiz

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On February 22, 2008, Border Patrol Agent M. Ambrosia was performing assigned line watch duties in the area of Jacumba, California. This area is located approximately 25 miles east of the Tecate, California Port of Entry and immediately north of the United States/Mexico International Border. At approximately 4:30 p.m., Agent Ambrosia saw several sets of footprints leading north away from the International Border. Agent Ambrosia followed the foot sign approximately one quarter mile north of the International border and Old Highway 80. Agent Ambrosia encountered six people attempting to conceal themselves underneath a bush. Upon approaching the individuals, Agent Ambrosia identified himself as a United States Border Patrol Agent and questioned each of the individuals, including one later identified as the defendant **Jose GONZALEZ-Ruiz**, as to their citizenship and immigration status. Each individual, including the defendant, freely admitted to being citizens of Mexico illegally present in the United States. At approximately 5:00 p.m., Agent Ambrosia placed the defendant and the rest of the individuals under arrest and transported them to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **February 8, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on February 23, 2008 at 10:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 22, 2008** in violation of Title **8**, United States Code, Section **1326**.

Nita L. Stormes
United States Magistrate Judge

2-23-08 @ 3:15pm
Date/Time